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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,192

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Gilles Jacquet

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10/06/2008

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

10/06/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,192	<b>Applicant(s)</b> JACQUET, GILLES	
	<b>Examiner</b> MICHAEL P. FERGUSON	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/30/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species 1, Figure 3, claims 1-3, 5-8 and 10-13, in the reply filed on August 27, 2008 is acknowledged.
2. Claims 4 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 27, 2008.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Objections***

4. Claims 1-3, 5-8 and 10-13 are objected to because of the following informalities:

Claim 1 (lines 1-3) recites "A moulding for the securing of a fabric, tarpaulin or similar... where this moulding includes... more or less parallel". It should recite --A molding for the securing of a fabric or tarpaulin... the molding including... substantially parallel--.

Claim 1 (line 6) recites "characterised". It should recite --characterized--.

Claims 2, 3 and 8 (line 1) recite "A moulding... characterised". They should recite --A molding... characterized--.

Claim 5 (lines 1-2) recite "A moulding... characterised in that the concave". It should recite --A molding... characterized in that a concave--.

Claim 6 (lines 1-2) recite "A moulding... characterised... "V" shaped". It should recite --A molding... characterized... V-shaped--.

Claims 7, 10 and 11 (lines 1-2) recite "A moulding... characterised". They should recite --A molding... characterized--.

Claim 7 (line 3) recites "the nearest". It should recite --a nearest--.

Claim 12 (lines 1-2) recite "A moulding... characterised... is more or less flat". It should recite --A molding... characterized... is substantially flat--.

Claim 13 (line 5) recite "characterised... a moulding". It should recite --characterized... a molding--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

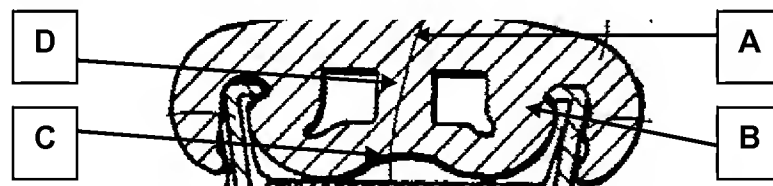
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Uetake et al. (US 4,916,767).

As to claim 1, Uetake et al. disclose a molding **4** for the securing of a fabric **2** or tarpaulin in a groove of a supporting structure **3**, the molding including a core **A** from which extend at least two elastically deformable wings **B** (Figure 6 reprinted below with annotations), substantially parallel to each other and separate from each other, as well as elastically deformable reinforcing resources **C** positioned between the wings,

characterized in that the reinforcing resources include at least one bowed spacer **C** extending between the two wings (Figure 6).



As to claim 2, Uetake et al. disclose a molding characterized in that the core **A**, the wings **B** and the bowed spacer **C** form a single-block assembly (Figure 6).

As to claim 3, Uetake et al. disclose a molding characterized in that the spacer **C** connects the ends of the wings **B** located away from the core **A** (Figure 6).

As to claim 5, Uetake et al. disclose a molding characterized in that a concave side of the spacer **C** is oriented away from the core **C** (Figure 6).

As to claim 6, Uetake et al. disclose a molding characterized in that the spacer **C** is V-shaped (Figure 6).

As to claim 7, Uetake et al. disclose a molding characterized in that it includes end-stop resources **D** intended to limit the movements of the spacer **C** (Figure 6).

As to claim 8, Uetake et al. disclose a molding characterized in that the end- stop resources include at least one rib **D** attached to the spacer **C** extending in the direction of the core **A** (Figure 6).

As to claim 10, Uetake et al. disclose a molding characterized in that each wing **B** has a convex securing shape, in the vicinity of its end away from the core **A** and on its outer face (Figure 6).

As to claim 11, Uetake et al. disclose a molding characterized in that the base of each wing **B** is located at a distance from a nearest edge of the core **A** of the molding (Figure 6).

As to claim 12, Uetake et al. disclose a molding characterized in that the core **A** is substantially flat (Figure 6).

As to claim 13, Uetake et al. disclose a decorative or advertising panel that includes:

a support structure **3** which has at least one peripheral groove,

a rod **4** inserted into in the groove in order to clamp within it a stretched fabric **2** or tarpaulin,

characterized in that the rod is composed of a molding **4** (Figure 6).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to moldings:

Patsy, Jr. (USD 309,351), Stilling (US 5,242,004) and Nippon Carbide (JP 02-173408) are cited for pertaining to moldings comprising a core, two elastically deformable wings and a spacer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF  
10/30/08

/Michael P. Ferguson/  
Primary Examiner, Art Unit 3679